IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

TUESDAY, THE 4TH SEPTEMBER 2007 / 13TH BHADRA 1929

Cont.Case(C).No.825 of 2007(S)

ARISING FROM THE ORDER IN R.C.REV.NO.331/2006 DATED 14/02/2007
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PETITIONER/1ST RESPONDENT IN R.C.REV.:-

LEKHA JAYADEVAN,
W/O.LATE JAYADEVAN, AGED 55 YEARS
RESIDING AT KODUVAMPARAMBIL
PERUMBILAVU VILLAGE
THALAPPILLY TALUK

BY ADV. SRI.N.DHARMADAN (SR.)
SMT.D.P.RENU

RESPONDENTS: REVISION PETITIONERS:-
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1. K.C.INDIRA, W/O.NARAYANA VAIDHYAR
AGED NOT KNOWN TO THE PETITIONER,
RESIDING AT ARIYOOR AMOM,
THEKKUMURI DESOM, OTTAPALAM TALUK, PALAKKAD DISTRICT

2. C.NARAYANA VAIDHYA,
S/O.CHAVARENKIL KANDUNNI,
AGED NOT KNOWN TO THE PETITIONER,
RESIDING AT ARIYOOR AMSOM, THEKKUMURI DESOM
OTTAPALAM TALUK, PALAKKAD DISTRICT

BY ADV. SRI.V.CHITAMBARESH
SRI.T.C.SURESH MENON
SRI.JIBU P THOMAS

THIS CONTEMPT CASE (CIVIL) HAVING BEEN FINALLY HEARD ON 04/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:-

H.L.Dattu,C.J. & K.T.Sankaran,J.

Cont.Case (C).No.825 of 2007-S

Dated, this the 4th day of September, 2007

JUDGMENT

H.L.Dattu,C.J.

The complainant is the 1st respondent in Rent Control Revision No.331 of 2006 of this Court.

(2) The complainant alleges that the petitioners in the Rent Control Revision, who are the respondents herein, have disobeyed the orders and directions issued by this Court while disposing of R.C.Rev.No.331 of 2006 dated 14th February, 2007. Therefore, a request is made to initiate appropriate contempt proceedings against the contemnors and punish them for their wilful and deliberate disobedience of the orders and directions issued by this Court.

(3) Notice of this contempt petition was ordered and served on the respondents/contemnors. They have entered their appearance through Sri.V.Chitambaresh.

(4) The learned counsel appearing for the contemnors submits that the contemnors have complied with the orders and directions issued by this Court and, therefore, the contempt proceedings requires to be dropped.

(5) This Court while disposing of R.C.Rev.331 of 2006 by its order dated 14th February, 2007 had issued the following directions. It is as under:

> "However, at this point of time the counsel for the tenants sought for time to surrender vacant possession of the petition schedule building to the landlords and the landlords who have entered appearance through counsel was also heard on this request. After hearing the parties, we are inclined to grant the tenant six months from today to surrender vacant possession of the tenanted premises to the landlords, on condition that they shall file an affidavit, within two weeks, before the execution court, undertaking to surrender to the landlords vacant possession of the building on or before 14/8/07 and pay the entire arrears of rent if any and the rent for the period allowed. No costs".

(6) The first direction that was issued by this Court was to direct the petitioners in the Rent Control Revision to quit and deliver vacant possession of the tenanted premises to the landlords. The second direction that was issued was to pay the entire arrears of rentals.

(7) Sri.Chitambaresh, learned counsel appearing for the contemnors submits that both the aforesaid directions have been fully complied with by the respondents/contemnors.

(8) However, the learned counsel appearing for the complainant would submit that since the contemnors had not complied with the orders and directions issued by this Court, the complainant has already filed an Execution Petition in No.92 of 2007 before the trial Court.

(9) At this stage, we do not intend to go into the correctness or otherwise of the statement made by the learned counsel appearing for the contemnors. We take it that the respondents have substantially complied with the orders and directions issued by this Court. Therefore, in our opinion, we need not take cognizance of the contempt petition filed by the complainant. Therefore, the same is dropped for the present.

(10) However, liberty is reserved to the complainant to agitate all her grievances before the Executing Court.

Ordered accordingly.

H.L.Dattu
Chief Justice

K.T.Sankaran
Judge

vku/-